

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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CASSANDRA FOSTER,

Plaintiff,

vs.

**COMPLAINT**

Civil File No.: 04-4125 DSD/SRN

JURY TRIAL DEMANDED

YELLOW BOOK, U.S.A, INC.

Defendants .

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Plaintiff, by her undersigned attorney, alleges upon personal information as to herself and upon information and belief as to all other allegations, for his Complaint against defendant YELLOW BOOK, USA, INC. as follows:

**INTRODUCTION**

1. Cassandra Foster brings this case against Yellow Book U.S.A., Inc. (hereinafter "Yellow Book") under the Minnesota's Human Rights Act, Minn. Stat. § 363.03. Yellow Book illegally discriminated against Ms. Foster because of her race and familial status.

**PARTIES**

2. Plaintiff Cassandra Foster is an African-American woman, a Minnesota resident, and a mother of several young children, who resides in the City of Minnesota, in Ramsey County, in the State of Minnesota.

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U.S. DISTRICT COURT ST. PAUL

3. Defendant Yellow Book, USA. is a foreign corporation, conducting business in Minnesota, with its primary place of business in New York. Yellow Book, USA, according to the State of Minnesota Secretary of State website, is not registered in Minnesota. The actions complained of herein occurred in Mendota Heights, Ramsey County, Minnesota.

**VENUE AND JURISDICTION**

4. Venue is proper in this Court because Defendant Yellow Book USA's Minnesota sales office in which the acts complained of herein took place is operated in Ramsey County, Minnesota. This Court has diversity jurisdiction over this action pursuant to 28 U.S.C. 1332(a)(1).

**FACTUAL ALLEGATIONS**

5. Cassandra Foster was hired by Yellow Book in May 1999 as a Branch Coordinator. At no time prior to Ms. Foster's termination did she receive any warnings about absences, tardiness, or other disciplinary issues.

6. On or about April 30, 2003, Ms. Foster needed to care for a sick child. She contacted Yellow Book early that morning to inform them that she would not be able to be in that day.

7. On or about May 1, 2003, Ms. Foster was confronted by her supervisor, Brian Nicholson. Mr. Nicholson told Ms. Foster that "Your kids just cost you your job" and informed her that he was firing her primarily because of her need to take care of her children the prior day.

8. Nicholson also accused Ms. Foster of using company resources to look for a job. Ms. Foster never used any company resources to look for a job.

9. During the course of Ms. Foster's employment with Yellow Book, USA, other employees were given great latitude with regards to absences. One employee, was allowed substantial time off of work without calling in pursuant to Yellow Book guidelines, and was not subject to any discipline, let alone termination. This woman was white.

10. Ms. Foster was subject to increased scrutiny, a different performance standard, and ultimately termination because of her racial and family status, in violation of Minn. Stat. § 363.03.

11. At the time of her termination, Ms. Foster was the only African-American working in the Mendota Heights office of Yellow Book, USA.

12. Plaintiff has filed a Charge of Discrimination based upon the above-referenced acts of discrimination, and received a right to sue letter when the department dismissed the allegation without further investigation.'

13. By virtue of the foregoing, Yellow Book has violated Minn. Stat. § 363.03 directly causing Ms.. *Foster* great damages and is therefore liable to *Cassandra Foster* in an amount greater than Seventy Five Thousand Dollars (\$75,000). *Ms. Foster's* damages include damage to her professional reputation, tremendous mental pain and anguish, loss of income in the past and future, lost earning capacity, and other damages and expenses.

**FIRST CAUSE OF ACTION- Violation of Minn. Stat. § 363.03**

14. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 13 as if fully set forth herein.;

15. Defendant discriminated against Plaintiff because of her race and family status in violation of Minn. Stat. § 363.03 by subjecting her to higher levels of scrutiny and criticism than non-minority employees.

16. Defendant's termination of Plaintiff was therefore impermissible, in violations of Minn. Stat. § 363.03, Subd. 7.

17. By virtue of the foregoing, Yellow Book has violated Minn. Stat. § 363.03 directly causing *Ms. Foster* great damages and is therefore liable to her in an amount greater than Seventy Five thousand dollars (\$75,000). Ms. Foster's damages include damage to her professional reputation, tremendous mental pain and anguish, loss of income in the past and future, lost earning capacity, and other damages and expenses.

WHEREFORE, Ms. Foster requests that this Court:

1. Enter judgment in favor of Ms. Foster and against Yellow Book, USA as follows:

ON THE FIRST COUNT: awarding

(a) full and fair compensatory damages in an amount greater than Seventy Five Thousand Dollars (\$75,000), the precise amount of which will be determined at trial;

(b) treble damages as specified in Minn. Stat. § 363.071, Subd. (2)

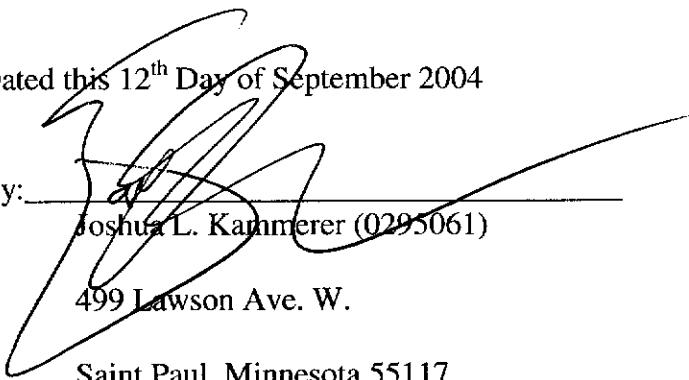
(c) an order for Yellow Book, USA to cease and desist from its unfair, discriminatory and retaliatory practices and to take affirmative action in order to effectuate the purposes of the Minnesota Human Rights Act;

(d) reasonable attorneys' fees, costs and disbursements, and interest.

2. Grant such further or different relief as the Court deems just and equitable.

Dated this 12<sup>th</sup> Day of September 2004

By:

  
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